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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,864	06/27/2003	Hiroyuki Nakagawa	26B-018	5829

23400 7590 09/01/2006

POSZ LAW GROUP, PLC  
12040 SOUTH LAKES DRIVE  
SUITE 101  
RESTON, VA 20191

EXAMINER

MOORE, MARGARET G

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/606,864	<b>Applicant(s)</b> NAKAGAWA ET AL.	
	<b>Examiner</b> Margaret G. Moore	<b>Art Unit</b> 1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2 to 11, 13, 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2 to 11, 13, 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/6/06 has been entered.

2. Please note that this application has been transferred from Examiner Robertson (who issued the final rejection of 2/16/06) to Examiner Margaret Moore. Upon entry of the amended claims the Examiner has updated the search. The following new ground of rejection is made.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 to 11, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Randall et al. in view of Lo et al.

The teachings of Randall et al. have been detailed in previous office actions. To summarize, Randall et al. teach impact modified polylactide compositions that form annealed molded articles. See the second full paragraph on page 3 of the office action dated 2/16/06. The Examiner directs attention to, for instance, Example 1 (note that the compatibilizing agent is optional in the composition of Randall et al.) in which an epoxidized rubber is added to polylactide, followed by molding and annealing.

As noted in that rejection, Randall et al. fail to teach the addition of acrylic modified PTFE.

Lo et al. teach tetrafluoroethylene containing powder in which particles of PTFE are encapsulated by a polymer or copolymer. See for instance the abstract and column

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3, lines 1 to 35. This teaches various acrylic monomers. The powders are prepared by emulsion polymerization of monomers in the presence of PTFE particles. From column 3, lines 6 and 7, it is clear that acrylonitrile is embraced by the acrylic monomers. Since acrylonitrile is present in the "most particularly recommended" copolymers (column 3, lines 38 to 40, working examples) this meets the acrylic modified polytetrafluoroethylene component in claim 13. Column 1, lines 32 to 40, teach that the addition of the powder to polymer compositions improves fire resistance and even improves some mechanical properties such as tensile elongation and impact strength. Column 7 also teaches various properties and benefits associated with the powders. Lines 55 to 60 teach adding an amount of powder to a polymer that falls within the range of claim 14.

Thus one having ordinary skill in the art would have been motivated by the teachings in Lo et al. to add the acrylic modified PTFE powders therein to the composition of Randall et al. in an effort to improve fire resistance and with a reasonable expectation of improving mechanical properties such as tensile elongation and impact strength. In this manner the instant claims are rendered obvious.

5. The remaining references are cited as being of general interest. Both Taraiya et al. and Shiga et al. teach adding Metablen® 3000, acrylic modified PTFE, to polyester compositions but neither teaches or suggests the specific annealed polyester composition claimed. Note too that the instant application has an earlier foreign priority date. The abstract of JP 2003 192816 teaches using acrylic PTFE as a processing aid, but this is in an aromatic polyester. This reference also does not qualify as prior art against the instant claims.

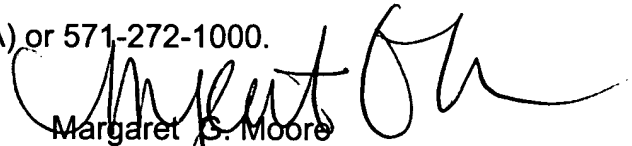
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret G. Moore whose telephone number is 571-272-1090. The examiner can normally be reached on Monday to Wednesday and Friday, 10am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Margaret S. Moore  
Primary Examiner  
Art Unit 1712

mgm  
8/30/06